

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 12

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS KINDER AND SCOTT.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

Read 2nd time January 13, 2003, and referred to the Committee on Pensions and General Laws.

Reported from the Committee April 3, 2003, with recommendation that the bill do pass.

Taken up for Perfection April 16, 2003. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

0406S.01P

AN ACT

To amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto two new sections, to be known as sections 1.302 and 1.307, to read as follows:

1.302. 1. A governmental authority may not restrict a person's free exercise of religion, unless:

(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and

(2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest.

2. As used in this section, "exercise of religion" shall be defined as an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

3. As used in this section "demonstrates" means meets the burden of going forward with the evidence and of persuasion.

1.307. 1. Sections 1.302 to 1.307 apply to all state and local laws, resolutions

and ordinances and the implementation of such laws, resolutions, and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of sections 1.302 to 1.307.

2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government to burden any religious belief, except that nothing in these sections shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on a federal, state, or local civil rights law.

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